

## **REMARKS/ARGUMENTS**

### **1.) Claim Amendments**

Claims 1-13 and 15-41 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the following remarks.

### **2.) Claim Rejections – 35 U.S.C. § 103 (a)**

The Examiner rejected claims 1-4, 8, 9, 11, 12, 15-18, 22, 23, 25, 26, 28-32, 36, 37, 39 and 40 under 35 U.S.C. § 103(a) as being unpatentable over Reiner (EP 0948168) in view of Turina, et al. (US 2005/0054348) and Jenq (US 2003/0063560). While not conceding that the cited references qualify as prior art, but instead to expedite prosecution, Applicant has chosen to respectfully disagree and traverses the rejection as follows. Applicant reserves the right, for example, in a continuing application, to establish that the cited references, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

Applicant respectfully submits that claims 1-4, 9, 9, 11, 12, 15-18, 22, 23, 25, 26, 28-32, 36, 37, 39, and 40 are patentable because Reiner, Turina, and Jenq, taken alone or in any permissible combination, fail to disclose, teach, or even suggest the elements of the independent claims. For example, Reiner, Turina, and Jenq, taken alone or in any permissible combination, fail to disclose, teach, or even suggest “a network entity receiving, continuously throughout said bit transfer session, information, over another connection separate from the bit transfer session, from a radio resource managing unit about the bandwidth on the entire wireless link that the bit transfer session currently is allowed to use,” as recited in independent claim 1. Independent claims 15 and 28 recite substantially similar elements.

In the “Response to Arguments” section (page 39) of the Final Office Action, Examiner indicates that Applicant’s arguments presented in the Non-Final Office Action dated November 15, 2010 were not persuasive. Specifically, Examiner indicates that “the claim does not require that the bandwidth of the entire link between the sender and receiver is known/sent” and that “[t]he claim merely states ‘bandwidth on the entire wireless link’ in Examiner’s assertion that Reiner discloses the aforementioned claim

element. In advancing such an assertion, Examiner fails to take into account some of the words in the claim. Namely, the recited is not merely “bandwidth on the entire wireless link,” but it is “bandwidth on the entire wireless link that the bit transfer session currently is allowed to use.” As recited in the preamble, the “bit transfer session” is “for transmitting data information from an application server to a client” and involves “bit transfer over a wireless communications link by means of a transport protocol with a flow control mechanism.” Thus, when read in the context of the claim, “bandwidth on the entire wireless link that the bit transfer session is currently allowed to use” means the “bandwidth” of the “entire wireless link” between the application server and client is sent.

In stark contrast, Reiner’s routers are located along the link and are used to add bandwidth values to packets traveling along the link. Thus, the routers only have knowledge of the bandwidth between the link between the sender and the router (e.g., in-bound link bandwidth information). The router has no knowledge of the bandwidth of the entire link between the sender and the receiver. Thus, the cited passages of Reiner (alone or in any permissible combinations with Turina and Jenq) fail to disclose, teach, or even suggest the aforementioned elements of the independent claims.

On page 40 of the Final Office Action, Examiner further asserts that:

*Reiner further disclose that this available bandwidth information of the access link (wireless link) is sent to the receiver/sender along network nodes/routers. Therefore, once with have a network with an RNC (Turina) which is a router and is the closest to an endpoint (mobile unit) this RNC would determine such value or at least receiver and forward this value to an endpoint. The examiner takes the stance that either teaching would correspond to the a network entity (i.e. wireless receiver or sender) receiving information from a resource managing unit (RNC) about the bandwidth on the entire wireless link (wireless link associated with a sender or receiver)....*

Applicant respectfully disagrees. Even if the Examiner is correct that Turina teaches a RNC, Examiner presents no evidence or technical argument about how “this RNC would determine such value [bandwidth information of the wireless link] to an endpoint [mobile unit],” but merely asserts for this to be true merely because Reiner and Turina discussing an RNC coupled to a mobile unit. Applicant maintains that Reiner’s routers only have knowledge of the bandwidth between the link between the sender and the router and does not have knowledge of the entire link between the sender and receiver. Thus, absent such disclosure, teaching, or suggestion of “receiving, continuously

throughout said bit transfer session, information, over another connection separate from the bit transfer session, from a radio resource managing unit about the bandwidth on the entire wireless link that the bit transfer session currently is allowed to use” (as recited in the independent claims, in the cited references or common knowledge, Applicant maintains that Reiner, Turina, and Jenq, taken alone or in any permissible combination, fail to render the independent claims unpatentable. For at least these reasons, Applicant respectfully submits that independent claims 1, 15, and 28 (and all claims dependent therefrom) are patentable. Applicant therefore respectfully requests that the rejection be withdrawn.

Examiner rejected claims 5, 6, 19, 20, 33 and 34 under 35 U.S.C. § 103(a) as being unpatentable over Reiner, Turina and Jenq as applied to claims 1/15/28 above, further in view of Wolfe, *et al.* (US 6,907,455). Wolfe is not cited as disclosing, teaching, or even suggesting any of the elements of independent claims 1, 15, or 28. Thus, claims 5, 6, 19, 20, 33, and 34 are patentable over Reiner, Turina, Jenq, and Wolfe, taken alone or in any permissible combination, at least due to their dependency on independent claims 1, 15, or 28. Applicant therefore respectfully requests that the rejection be withdrawn.

Examiner rejected claims 7, 21 and 35 under 35 U.S.C. § 103(a) as being unpatentable over Reiner, Turina and Jenq as applied to claims 1/15/28 above, further in view of Lee, *et al.* (US 2003/0233453). Lee is not cited as disclosing, teaching, or even suggesting any of the elements of independent claims 1, 15, or 28. Thus, claims 7, 21, and 35 are patentable over Reiner, Turina, Jenq, and Lee, taken alone or in any permissible combination, at least due to their dependency on independent claims 1, 15, or 28. Applicant therefore respectfully requests that the rejection be withdrawn.

Examiner rejected claims 10, 24 and 38 under 35 U.S.C. § 103(a) as being unpatentable over Reiner, Turina and Jenq as applied to claims 1/15/28 above, further in view of Walding (US 6,031,845). Walding is not cited as disclosing, teaching, or even suggesting any of the elements of independent claims 1, 15, or 28. Thus, claims 10, 24, and 38 are patentable over Reiner, Turina, Jenq, and Walding, taken alone or in any permissible combination, at least due to their dependency on independent claims 1, 15, or 28. Applicant therefore respectfully requests that the rejection be withdrawn.

Examiner rejected claims 13, 27 and 41 under 35 U.S.C. § 103(a) as being unpatentable over Reiner, Turina and Jenq as applied to claims 1/15/28 above, further in view of Holma, *et al.* (US 2002/0136192). Holma is not cited as disclosing, teaching, or even suggesting any of the elements of independent claims 1, 15, or 28. Thus, claims 13, 27, and 41 are patentable over Reiner, Turina, Jenq, and Holma, taken alone or in any permissible combination, at least due to their dependency on independent claims 1, 15, or 28. Applicant therefore respectfully requests that the rejection be withdrawn.

**CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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